HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 26673 of 2007

Dated 13th December, 2007

Between
Bomma Rama Kotaiah

…Petitioner

and

The Addl.Agent to Government cum Projection Officer,
Integrated Tribal Development Agency (ITDA), Bhadrachalam,
Khammam District, and, ors

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 26673 of 2007

ORDER:

In this Writ Petition, the petitioner seeks Writ of Mandamus to declare the action of the first respondent in not passing orders on the appeal and stay petition filed by him on 7-12-2007 against the order of eviction dated 12-10-2007 passed in Case No. 318/2007/MGR by the Special Deputy Collector (TW), Bhadrachalam, Khammam District, as illegal and arbitrary.

The petitioner claims to be the owner and possessor of a small extent of land admeasuring Ac.0.06 guntas covered by Sy.No. 212 of Bandarugudem in Manuguru taluk of Khammam District. It is stated that the petitioner has purchased the said land from its previous owner, by name, late Karam Muthaiah, by a sale deed dated 14-12-1960 and

since then he is in actual and physical possession of the said land. On the ground that the said transaction is in violation of the A.P. Scheduled Areas Land Transfer Regulation 1/ 1959, as amended by Regulation 1/1970, the second respondent passed order of eviction dated 12-10-2007 in case No.318/2007/MGR. It is stated that as against the order of the primary authority dated 12-10-2007, the petitioner has preferred appeal before the first respondent on 7-12-2007, along with an application for grant of stay. On the ground that in spite of the appeal filed by the petitioner, no orders have been passed and on other hand, respondents are taking steps for eviction of the petitioner, he has come up with this Writ Petition

Heard the learned Counsel for the petitioner and the learned Government Pleader for the respondents.

Whether the purchase of the subject land by the petitioner is in contravention of the A.P. Scheduled Areas Land Transfer Regulation 1/ 1959, as amended by Regulation 1/1970 or not, is a matter which is required to be considered by the appellate authority. In view of the pendency of the appeal, it is not desirable to go into merits of the case and record any finding on the said transaction at this stage. As much as, it is stated that the petitioner purchased the subject land in the year 1960 and, he also raised structures in the said land, and, further, the appeal filed by him before the appellate authority is pending consideration, I deem it appropriate to hold that any eviction at this stage will result in hardship to the petitioner. In that view of the matter, I dispose of the Writ Petition directing the first respondent-appellate authority to dispose of the appeal filed by the petitioner on 7-12-2007

as expeditiously as possible, by giving opportunity to the petitioner. Till the disposal of the said appeal, the order dated 12-10-2007 passed by the second respondent shall remain suspended and there shall be a further direction to the respondents to continue the petitioner in possession of the subject land, pending disposal of the appeal

Subject to the above direction, the Writ Petition is disposed of at the admission stage. No order as to costs.

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JUSTICE R. SUBHASH REDDY

DATE: 13-12-2007
CC by tomorrow (Bo) Msnr.